IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.265 OF 2006

In

NOTICE OF MOTION NO.578 OF 2006

In

SUIT NO.534 OF 2006

Aftab Pictures Pvt. Ltd. & Ors. : Appellants

(Orig.Deft.Nos.1,2 & 7)

V/s.

Balaji Telefilms Limited & Ors. : Respondents

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Mr.A.K.Prajapati for the appellants.

Dr.Virendra Tulzapurkar, senior counsel, with Ms Agnes Baradia i/b. M/s.Thakore Jariwala & Associates for respondent No.1.

Mr.R.R.Verma i/b. Mr.A.M. Saraogi for respondent No.3.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : SEPTEMBER 4, 2006.

P.C.

1. Heard.

2. We do not intend to go into diverse issues raised in the appeal as we are informed that Notice of Motion is on the board of the Motion Judge for final hearing and disposal today.

3. Appeal is directed against the ad-interim order whereby the learned Motion Judge has restrained defendant Nos.1, 2 and 7 from releasing either directly or indirectly, distributing, exhibiting or exploiting, screening and/or advertising the Hindi film "Sun Zarra" in any territory where the film has not already been released and also restrained the said defendants from releasing the Hindi film "Sun Zarra" either by way of VCD, DVD or exhibiting the same on Satellite T.V. or Cable T.V.

4. Counsel for defendant No.1 (appellant) strenuously urged that prayer for ad-interim relief was earlier rejected by the Motion Judge. He is right to that extent, but at that time, nobody was knowing the script of "Sun Zarra". Thereafter, the script of the film was placed on record by the plaintiff along with affidavit dated 6.3.2006.

5. No case for interference in appeal is made out.

6. All contentions of the parties are kept open to be agitated at the time of final hearing of the Notice of Motion.

7. Appeal is dismissed in limine.

R.M. LODHA, J.

S.A. BOBDE, J.